The City Council of the City of Garland, Texas convened in regular session at 7:00 PM on Tuesday, September 3, 2013, in the Council Chambers at City Hall with the following members present:

Mayor Douglas Athas Mayor Pro Tem Lori Barnett Dodson Councilmember Marvin 'Tim' Campbell

Councilmember Anita Goebel

Councilmember Stephen W. Stanley

Councilmember B.J. Williams
Councilmember John Willis
Councilmember Scott LeMay
Councilmember Jim Cahill

STAFF PRESENT: City Manager William E. Dollar

City Attorney Brad Neighbor Recording Secretary Courtney Vanover

CALL TO ORDER: The meeting was called to order by Mayor Douglas Athas.

District 4 Councilman Williams led the Invocation and Pledge

of Allegiance.

ANNOUNCEMENTS: Mayor Athas commented on the following: 1) The H-2-0 5K is

scheduled for Saturday, Sept. 21 as part of Garland's Healthy Living Expo; 2) Garland's annual Neighborhood Summit; and 3) The Landmark Museum Depot is tentatively scheduled to move to the Walnut Pedestrian Corridor September 5, 2013.

CONSENT AGENDA: All items marked with asterisks (\*\*) on the Consent Agenda

were voted on in a single motion at the beginning of the meeting. A motion was made by Councilman Williams, seconded by Councilman Willis, to approve Items: 1, 2, 3a, 3b, 4, 5, 6, 7, 8, and 9. A vote was cast and the motion carried

with 9 Ayes; 0 Nays.

1. APPROVED\*\* City Council minutes of the August 20, 2013 Regular Meeting.

2. APPROVED\*\* Award of Bid No. 3686-13 to Lexington Insurance Company in

the amount of \$676,669.50; Travelers Property Casualty Company in the amount of \$501,287; Genesis in the amount of \$455,115; and Safety National in the amount of \$179,433 for a total award of \$1,812,544.50 to secure commercial property insurance coverage for City buildings, contents and appropriate infrastructure; insurance coverage for City boilers and machinery; excess insurance for auto, general, law enforcement, and public safety liability exposures; and excess workers compensation insurance.

3a	AP	PR	OV	ED**

Ordinance No. 6635 amending the zoning laws of the City of Garland, by approving a Specific Use Permit for a Kindergarten, Preschool or Childcare Center on a 10.321-acre tract of land zoned Planned Development (PD) District 69-31 for General Business Uses Located at 1430 Northwest Highway. (Zoning File No. 13-24, Stella Aluko)

## 3b. APPROVED\*\*

Ordinance No. 6636 amending the zoning laws of the City of Garland, by approving a Specific Use Permit for a Charter School on property zoned Single-Family-7 (SF-7/E/3) District on a 20.5-acre tract of land located at 2302 Firewheel Parkway. (Zoning File No. 13-29, Cosmo Foundation)

4. APPROVED\*\*

Approve by minute action the reappointment of Dr. Timothy Lambert for a two-year term as Garland Health Officer.

5. APPROVED\*\*

Approve by minute action revisions to City Council Policy No. OPNS-05, Council Travel and Business Expense.

6. APPROVED\*\*

Approve by minute action authorizing the City Manager to execute an Engineering Services Agreement with Black & Veatch for an amount not to exceed \$108,900.

7. APPROVED\*\*

Approve by minute action authorizing the City Manager to execute an Engineering Services Agreement with R-Delta Engineers, Inc. for an amount not to exceed \$210,000.

8. APPROVED\*\*

Resolution No. 10119 authorizing the City Manager to accept a State of Texas Department of Transportation (TxDOT) Selective Traffic Enforcement Program (STEP) Grant for FY 2013-2014 in the amount of \$457,362.09.

9. APPROVED\*\*

Ordinance No. 6637 amending the Tax Roll of the City of Garland.

## ITEMS FOR INDIVIDUAL CONSIDERATION:

10a. HELD & APPROVED Director of Planning Anita Russelmann provided background information regarding the application Hutton Growth One, LLC, requesting approval of a Detail Plan for Retail Sales/Personal Service property on zoned Planned Development (PD) District 99-04 for Shopping Center Uses within the SH190 Overlay. The property is located at 5550 Lavon Drive. (File 13-30) The proposal is for approval of a Detail Plan to develop the subject property with an O'Reilly Auto Parts store.

Mayor Athas opened the public hearing to accept public input. Frank Youmans, Hutton Growth One, LLC, provided information. No other persons spoke during the public hearing.

Councilman Campbell, seconded by Councilwoman Goebel, made a motion to close the public hearing and to approve the request as recommended by the Planning Commission. Staff will bring forth an ordinance for formal consideration at a future meeting. A vote was cast and the motion to approve carried with 9 ayes, 0 nays.

10b. HELD & APPROVED

Director of Planning Anita Russelmann provided background information regarding the application of RaceTrac, requesting approval of 1) an amendment to Planned Development (PD) District 12-28 for Shopping Center Uses, 2) a Detail Plan and 3) a Specific Use Permit for Retail Sales with Gas. The property is located at 3401 S. Garland Road. (File 13-31) The proposal is for approval of an amendment to Planned Development (PD) District 12-28 including the Detail Plan and Specific Use Permit to change the layout of the previously approved RaceTrac gas station, and revise the elevations, landscape plan and signage.

Mayor Athas opened the public hearing to accept public input. Dean Cunningham and Mark Housewright, representing the applicant, spoke during the hearing.

Councilman Willis made a motion, seconded by Councilman Stanley, to close the public hearing and approve the application as recommended by the Plan Commission. Staff will bring forth an ordinance for formal approval at a future meeting. A vote was cast and the motion to approve carried with 9 ayes, 0 nays.

10c. HELD & APPROVED

Director of Planning Anita Russelmann provided background information regarding the application Mitchell Planning Group, LLC, requesting approval of 1) an amendment to Planned Development (PD) District 09-20 for Freeway Uses and 2) an amended Concept Plan. The property is located south of IH30, west of Broadway Boulevard. (File 13-32) The proposal is for approval of an amendment to Planned Development (PD) District 09-20 to revise the allowable uses on a portion of the subject property.

Mayor Athas opened the public hearing to accept public input. Karen Mitchell, representing Mitchell Planning Group spoke on behalf of the applicant. No other person spoke during the public hearing.

Councilman Williams made a motion, seconded by Councilwoman Goebel, to close the public hearing and approve the application as recommended by the Plan Commission. Staff will bring forth an ordinance for formal approval at a future meeting. A vote was cast and the motion to approve carried with 9 ayes, 0 nays.

10d. HELD & APPROVED

Director of Planning Anita Russelmann provided background information regarding the application of Oak Ridge Investments, requesting approval of 1) a change in zoning from Agriculture (AG) District to Planned Development (PD) District for Single Family Uses, 2) a Detail Plan for approximately 43 single family homes and 3) a waiver to Section 31.27 of the Code of Ordinances regarding the requirement of alleys. The property is located northwest of the intersection of West Campbell Road and Callejo Road. (File 13-22) The proposal is for approval of a change in zoning to allow for the development of a residential subdivision with approximately 43 single family homes with a minimum lot size of 5,500 square feet.

Mayor Athas opened the public hearing to accept public input. The following persons provided public comment in favor of the request: Richard Ferrara spoke representing the applicant. The following persons spoke in opposition to the request: Lori Scaglione; Polly Whittle; Jeff Whittle; Christie Gard; Kelly Reynolds; Don Ingram; Jillian Bliss; Jeanne Thoes; Dennis Von Fossen; Andrew McElyia; Lynn Corey; and Christy McLeod. The following persons registered a position against the request: Melanie Davis; Tony Thoes; Laralee Van Fossen; Holly McCoy; Laura Burke; Haley Burke; Roger Burke; Nike Seeber; James Barron; Nancy Files; Bailey Brown; Denise Turnbull; Frederic Mann; Alicia Morrison; Amy Giselle; Paula Bliss; Easton Sinclair; Sophie Barron; Jan Strakele; Cathy White; Laura Campbell; Wanda Mann; Marlene Christensen; Melanie Willett: Lisa Morrison: Linda Brunson: Jenny Peterson; Ellie Peterson; Jan Kelley; Anna Srakele; Sarah Lamar; Emily Truong; Mary Crow Miller; Taylor Henigsman; Chloe Files; Susan Rodder; Emily Morrison; Anne Kniffen; Sarah Bruyere; Ron Sullivan Jo El Sullivan; April Miller; Jon Jones; Frank Seeber; Margie Morgan; Mike Foley; Linda Gibbons; Sidney Gibbons; Mary Beth Travis; Alana Harrison; Tricia Harrison; Suzanne Andrews; Linda Dewan; Mary Lamar; Laura Henigsman; Julie Nullve; Anthony Moore; Jay Volk; and Jeff Poole.

Discussion was held among councilmembers. Councilman Campbell made a motion, seconded by Councilmeman Willis, to approve the request as recommended by staff. A vote was cast and the motion carried with 5 ayes, 4 nays (Athas, Williams, Dodson, LeMay)

11. HELD

Mayor Athas opened the public hearing to receive input regarding the 2013-2014 Proposed Budget and Tax Rate. No one spoke during the public hearing. Mayor Athas closed the public hearing.

12. APPROVED

Ordinance No. 6638 fixing the tax rate and tax levy for the City of Garland for Fiscal Year 2013-2014 upon all taxable property in the City of Garland in conformity with the laws of the State of Texas and the Charter provisions and ordinances of the City of Garland; repealing all ordinances, or parts of ordinances, in conflict therewith.

Councilman Stanley made a motion, "Mayor, I move that the property tax rate be increased by the adoption of a tax rate of 70.46 cents per \$100 of valuation, which is effectively four hundredths of a percent increase in the tax rate." and, "Mayor I move first that the rate for debt service be approved in the amount of thirty-one and six hundreds of a cent." Mayor Pro Tem Dodson seconded the motion. A vote was cast and the motion carried with 9 ayes, 0 nays.

A second motion was made by Councilman Stanley, "I move now that the rate for maintenance and operations be approved in the amount of thirty-nine and forty hundredths of a cent." Mayor Pro Tem Dodson seconded the motion. A vote was cast and the motion carried with 9 ayes, 0 nays.

13. APPROVED

Ordinance No. 6639 adopting the budget for Fiscal Year 2013-2014, providing budgetary appropriations for the various funds of the City, amending the current budget as revised, and authorizing the City Manager to make adjustments.

Mayor Pro Tem Dodson made a motion, "Mayor, I move to ratify the property tax rate reflected in this budget." Mayor Pro

tem Dodson seconded the motion. A vote was cast and the motion carried with 9 ayes, 0 nays.

Mayor Pro Tem Dodson made a motion, "I move to approve the budget as submitted." Councilman Cahill seconded the motion.

Councilman Willis made a motion, seconded by Councilman Cahill, to amend the budget by providing \$10,000 to the Landmark Historical Preservation Society Museum in support of their mission of preserving and conserving local Garland history. A vote was cast and the amendment failed with 4 ayes, and 5 nays (Athas, Campbell, Goebel, Stanley, Dodson).

A vote was cast on the original motion. The motion carried with 9 ayes, 0 nays.

14. APPROVED

Mayor Pro Tem Dodson made a motion, seconded by Councilman LeMay, to approve Ordinance No. 6640 amending various sections of Chapter 50, "Utility Rates and Fees" of the code of Ordinances of the City of Garland, relating to fees charged for various services provided by the City. A vote was cast and the motion carried with 9 ayes, 0 nays.

15. APPROVED

Mayor Pro Tem Dodson made a motion, seconded by Councilman Stanley, to approve Ordinance No. 6641 amending various sections of the code of Ordinances of the City of Garland relating to fees for various services provided by the City. A vote was cast and the motion carried with 9 ayes, 0 nays.

16. APPROVED

Mayor Pro Tem Dodson made a motion, seconded by Councilman Williams, to approve Ordinance No. 6642 establishing Civil Service classifications within the Police and Fire Departments; prescribing the number of positions in each classification; prescribing the base salary and types of pay for those classifications. A vote was cast and the motion carried with 9 ayes, 0 nays.

## 17. APPOINTMENTS

The following names were placed in nomination:

Preston Edwards – South TIF (Athas)
Reta Day – Garland Cultural Arts Commission (Stanley)
Jerry DeFeo – Board of Adjustment (Stanley)
Marcie Adame – Community Multicultural Commission (LeMay)
Terri Chepregi – Library Board (LeMay)

Rick Johnson – Downtown TIF (Cahill) Christopher Ott – Plan Commission (Cahill)

A vote was cast and the nominations carried with 9 ayes, 0 nays.

18. CITIZEN COMMENTS No citizen comments.

There being no further business to come before the City Council, Mayor Athas adjourned the meeting at 10:20 p.m.

CITY OF GARLAND

Signed:

Douglas Athas, Mayor

Attest:

Lisa Palomba, City Secretary